**HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION NO.32181 OF 1998**

**Date: December 10, 2007**

**Between:**
Ch. Rajaiah … Petitioner.

And

1. The Presiding Officer,
   Labour Court, Godavarikhani
   and another. … Respondents

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**ORDER:**

Heard Sri P. Sudheer Rao, learned counsel for petitioner and Smt. P. Rajani Reddy learned Standing Counsel for Respondent Corporation.

2. The petitioner calls in question the legality and validity of the Award passed by the Labour Court, Godavarikhani, in Industrial Dispute No.355 of 1989.

3. The petitioner was working as a conductor. The checking officials checked the bus conducted by him on its return journey on 03.03.1986 on Nirmal route. The check has revealed that the petitioner indulged in certain cash and ticket irregularities and consequently he has been subjected to disciplinary action. The Enquiry Officer has submitted his report finding the writ petitioner guilty of having indulged in cash and ticket irregularities, and that in spite of his collecting requisite fare from a batch of seven passengers, who boarded the bus at Muthyampet stage and bound for Thallapet stage, he had issued tickets of a lower denomination and, that too, the tickets have been issued only upon sighting the ticket checking officials.

Thus, the writ petitioner was found guilty of indulging in an activity, which is considered prejudicial to the interests of the Corporation. Therefore, he had been removed from service by an Order dated 21st October 1986. Thereafter, the petitioner has taken 3 years to move the Labour Court by raising a Dispute.

4. The Industrial Dispute No.355 of 1989 raised by the writ petitioner had been examined thoroughly and the Labour Court by its Award dated 13th February 1991 dismissed the same, finding no merit in the contentions canvassed by the petitioner either with regard to the procedural fairness or with regard to the quantum of punishment that is liable to be meted out to him. The Tribunal had found that the conclusion drawn of the attempted fraud on the part of the writ petitioner in taking out the tickets to the batch of passengers only upon sighting the checking officials has been based upon material gathered at the evidence by the domestic Tribunal. It has been brought before the domestic Tribunal that 'the statistical return' which every conductor was required to fill in indicating the number of tickets issued to the passengers duly entering their serial number therein, had disclosed in unmistakable terms the irregularity indulged in by the writ petitioner. He had closed statistical return up to stage No.23. Since it is a return journey, the entries will commence from stage No.25 and thereafter stage No.24 followed by stage No.23. The passengers who have boarded the bus at stage 24 are required to be issued the tickets at that stage itself and the details of such tickets have got to be entered into in the statistical return before it is closed for stage No.24. The fact remains that the petitioner had collected the fair from the passengers. He had closed the statistical return wherein he had not included the details of the tickets issued to the said batch of seven passengers at stage No.24. At stage No.23 also he closed the statistical return. There also they were not included, but thereafter, upon sighting the ticket checking officials he had removed seven tickets and punched

them as if they were issued at stage No.24. Consequently there was variance between the SR and the data available readily in the tickets tray. Thus, the conclusions drawn with regard to the guilt of the petitioner are based upon evidence and it is also properly and correctly appreciated by the disciplinary authority. Hence, the Tribunal did not feel compelled to indulge in any exercise of discretion vested with it under Section 11-A of the Act.

5. The present writ petition has been instituted seven years after the Tribunal had rendered its Award. No explanation, much less, justifiable one has been offered by the petitioner why he took so long a time to institute this writ petition. Obviously the writ petitioner is not very keen to get back to his employment with the State owned APSRTC and, hence, he has not been diligent enough to prosecute the remedies available to him. The learned counsel for the petitioner could not demonstrate any irregularity committed by the Labour Court, compelling or warranting this court to exercise *Certiorari* jurisdiction to correct any such error on the face of record. In the absence of any legal infirmity on the face of the record, I am not inclined to exercise any discretion in favour of the petitioner, for the lack of diligence on the part of the petitioner.

6. For these reasons, the writ petition is dismissed, but however without costs.

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(NOOTY RAMAMOHANA RAO, J)

Date: December 10, 2007.
BSB